

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, et al.,**

Plaintiffs,

v.

Civil Action No. 1:19-cv-00576

BLUESTONE COAL CORPORATION,

Defendant.

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO CONTINUE TRIAL

Defendant's pending motion does not establish good cause to further continue the long-delayed trial in this action. Defendant's counsel has not shown that he is the only person capable of providing care to his dog during its convalescence, nor has he shown that such care would be unavailable at one of Charleston's many fine veterinary medicine clinics. Moreover, Defendant is represented by a well-regarded law firm in Charleston with several partners, and Mr. Carey is not the only attorney at his firm to have appeared in this case. Indeed, Mr. Carey's partner, Benjamin Bryant has appeared, alone, on behalf of Defendant at each and every deposition that has been taken in this action. If Mr. Carey is unable to appear, there are doubtless other attorneys at his firm, including Mr. Bryant, who are capable of stepping in. Plaintiffs have already confirmed that their experts are available for trial beginning on the October 15, 2020, and they have made travel arrangements. Consequently, the Court should deny Defendant's motion.

Respectfully submitted,

/s/ Derek O. Teaney

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY,
APPALACHIAN VOICES, and
THE SIERRA CLUB,**

Plaintiffs,

v.

Civil Action No. 1:19-cv-00576

BLUESTONE COAL CORPORATION,

Defendant.

CERTIFICATE OF SERVICE

I, Derek O. Teaney, hereby certify that, on October 7, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to each of the following CM/ECF participants:

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